

**SUPREME COURT MINUTES
WEDNESDAY, OCTOBER 24, 2007
SAN FRANCISCO, CALIFORNIA**

S027730

**PEOPLE v. ALFARO (MARIA
DEL ROSIO)**

The petition for rehearing is denied.

S040527

**PEOPLE v. DE PRIEST
(TIMOTHY LEE)**

The request for modification is granted. The petition for rehearing is denied.

S040527

**PEOPLE v. DE PRIEST
(TIMOTHY LEE)**

Opinion modified - no change in judgment.

S138130

C043392 Third Appellate District

**ROSS (GARY) v. RAGINGWIRE
TELECOMMUNICATIONS, INC.**

The request for extended media coverage, filed by The California Channel on October 22, 2007, is granted, subject to the conditions set forth in rule 1.150, California Rules of Court.

S143615

B182877 Second Appellate District, Div. 1

PEOPLE v. LOPEZ

(FERNANDO)

The request for extended media coverage, filed by The California Channel on October 22, 2007, is granted, subject to the conditions set forth in rule 1.150, California Rules of Court.

S145428

B179819 Second Appellate District, Div. 1

**MARATHON
ENTERTAINMENT v. BLASI
(ROSA)**

Request for extended media coverage granted.

The request for extended media coverage, filed by The California Channel on October 22, 2007, is granted, subject to the conditions set forth in rule 1.150, California Rules of Court.

S155425 B197980 Second Appellate District, Div. 2 **GOMEZ (SOTERO) ON H.C.**
Petition for review granted (criminal case)
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S155571 A112810 First Appellate District, Div. 2 **PEOPLE v. ARIAS (JOHN R.)**
Petition for review granted (criminal case)
The Respondent's petition for review is granted. The Appellant's petition for review is denied.
Kennard, J., is of the opinion the matter should be granted as to Issue #3.
Votes: George, C. J., Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S155589 C052177 Third Appellate District **MORONGO BAND OF MISSION
INDIANS v. STATE WATER
RESOURCES CONTROL
BOARD**
Petition for review granted (civil case)
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S155872 D049895 Fourth Appellate District, Div. 1 **SHAPUTIS (RICHARD) ON H.C.**
Petition for review granted; issues limited (criminal case)
The issue to be briefed and argued is limited to the following: In assessing whether "some evidence" supports a decision by the Governor to deny parole, is the inquiry limited to whether the reasons stated have a factual basis or should a reviewing court also examine whether the evidence supports a finding the inmate presents an unreasonable current risk of danger to the public? Petitioner's request to extinguish the stay, filed in this court on September 6, 2007, is denied.
Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S140547 A104828/A105391/A105388/A104830 First Appellate District, Div. 5
**ENVIRONMENTAL
PROTECTION INFORMATION
CENTER v. DEPARTMENT OF
FORESTRY & FIRE PROTECTION
(PACIFIC LUMBER COMPANY)**

Supplemental briefing ordered.
The parties are requested to brief the following questions: With respect to the Sustained Yield Plan, what is the significance of the Director of the California Department of Forestry and Fire Prevention's approval of "Alternative 25" with an estimated long-term sustained yield of 178.8 million board feet per year in the first decade? To what extent may Timber Harvest Plans (THPs) or

other subsequent environmental documents and future environmental decisions rely or presumptively rely on this figure? Is the extent of the reliance affected by the fact that some environmental analysis was deferred to the THP stage? The parties are requested to file and serve simultaneous letter briefs by November 19, 2007, and may file reply briefs by November 26, 2007. All such briefs should be filed in the San Francisco office of this court.

S155130 A116437 First Appellate District, Div. 2 **COOPER (PETER GEORGE) ON H.C.**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Lawrence on Habeas Corpus*, S154018 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S155749 E041793 Fourth Appellate District, Div. 2 **PEOPLE v. ASHTON (CHRISTINA KIMBERLY)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Olguin*, S149303, and *People v. Lopez*, S149364 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S156335 F051743 Fifth Appellate District **P. (ANTONIO), IN RE**

Review granted/briefing deferred (8.512(d)(2) criminal case)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Nguyen*, S154847 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S155960 A118238 First Appellate District, Div. 5**TENET/DOCTORS MEDICAL
CENTER v. W.C.A.B.****(REDDICK)**

Review granted; transferred to CA 1/5 to issue writ/review

The matter is transferred to the Court of Appeal, First Appellate District, Division Five, with directions to vacate its order denying mandate and to issue a writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S156149 B197490 Second Appellate District, Div. 5**VIRGINIA SURETY, INC. v.
W.C.A.B. (WRAGG)**

Review granted; transferred to CA 2/5 to issue writ/review

The matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its order denying mandate and to issue a writ to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S156620 B190007 Second Appellate District, Div. 5**PEOPLE v. STRIER (WILLIAM)**

Petition for review granted; transferred to CA 2/5

Due to the death on September 20, 2007, of William Strier, all proceedings in this cause are permanently abated, and the cause is transferred to the Court of Angeles County to enter an order to that effect in Case No. LA044334. (Cal. Rules of Court, rule 8.528(d); *People v. Dail* (1943) 22 Cal.2d 642, 659; *People v. Bandy* (1963) 216 Cal.App.2d 458, 466.)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S143777 A112669 First Appellate District, Div. 3**MCQUARTERS (ELTON) v. S.C.
(PEOPLE)**

Dismissed and remanded to CA 1/3

In light of the decision in *People v. Allen* (2007) 42 Cal.4th 91, review in the above-entitled matter is dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S153920 B190270 Second Appellate District, Div. 5**PEOPLE v. CHAVEZ (JESUS R.)**

Dismissed and remanded to CA 2/5

In light of Statutes 2007, chapter 302. (Cal. Rules of Court, rule 8.528(b)(1).)

S154725 D050403 Fourth Appellate District, Div. 1

Petition for review denied.

PEOPLE v. STANFORD (DUSTIN WAID)

S154909
ANTHONY)

Petition for writ of mandate/prohibition denied.

MILLER (MICHAEL
v. CA 2/5

S155076 G038673 Fourth Appellate District, Div. 3

Petition for review denied. The request for judicial notice is granted.
Corrigan, J., was recused and did not participate.

SMITHKLINE BEECHAM
CORP. v. S.C. (COLE)

S155098 D048297 Fourth Appellate District, Div. 1

Petition for review denied.

HALEY (TERRI) v. CASA DEL
REY HOMEOWNERS
ASSOCIATION

S155161 B185778 Second Appellate District, Div. 2

Petition for review denied.

HILD (JOSHUA) v. SOUTHERN
CALIFORNIA EDISON COMPANY

S155295 E040210 Fourth Appellate District, Div. 2

Petition for review denied.
The requests for an order directing depublication of the opinion are denied.

BEAR CREEK MASTER
ASSOCIATION v. EDWARDS
(PARLAN L.)

S155335 C054037 Third Appellate District
Petition for review denied.

R. (AMANDA), IN RE

S155349	A116799 First Appellate District, Div. 5	NUUALOFA (TANIELU) ON H.C.
Petition for review denied.		
The petition for review is denied without prejudice to raising a claim of ineffective assistance of counsel on the issue of multiple prosecution in a new petition for writ of habeas corpus in superior court.		
S155420	C053306 Third Appellate District	PEOPLE v. ADAMS (KENNETH LEE)
Petition for review denied.		
S155461	A117757 First Appellate District, Div. 2	ACUNA (ARCADIO) ON H.C.
Petition for review denied.		
S155463	G039057 Fourth Appellate District, Div. 3	ROLLO (GARY) ON H.C.
Petition for review denied.		
S155472	C051589 Third Appellate District	PEOPLE v. WOLCOTT (BRANDON LEE)
Petition for review denied.		
S155503	A118652 First Appellate District, Div. 3	FLETCHER (PATRICK) ON H.C.
Petition for review denied.		
S155504	B196799 Second Appellate District, Div. 5	MUNGIA (MAURICIO A.) ON H.C.
Petition for review denied.		
S155505	A117435 First Appellate District, Div. 1	SCHOENFELD (RICHARD) ON H.C.
Petition for review denied.		
S155511	B193741 Second Appellate District, Div. 6	PEOPLE v. SIMON (JOHN)
Petition for review denied.		

S155512 E040441/E042028 Fourth Appellate District, Div. 2 **PEOPLE v. FISTER (DWAYNE)**
Petition for review denied.

S155530 B196553 Second Appellate District, Div. 4 **CLARK (JOSEPH) ON H.C.**
Petition for review denied.

S155531 H030163 Sixth Appellate District **PEOPLE v. MCKEE**
(CHRISTOPHER SCOTT)
Petition for review denied.

S155544 B200883 Second Appellate District, Div. 6 **RAMIREZ (JUAN) ON H.C.**
Petition for review denied.

S155567 A110913 First Appellate District, Div. 1 **DIPIRRO (MICHAEL) v. BONDO**
CORPORATION
Petitions for review denied.
Kennard, Chin and Moreno, JJ., are of the opinion the petitions should be granted.

S155598 B200870 Second Appellate District, Div. 8 **HUGHES (THOMAS) v. S. .**
(PEOPLE)
Petition for review denied.

S155601 B192583 Second Appellate District, Div. 7 **PEOPLE v. SIM (CLEVER)**
Petition for review denied.

S155664 B192065 Second Appellate District, Div. 7 **PEOPLE v. OTT (PAUL)**
Petition for review denied.

S155667 H027550 Sixth Appellate District **PEOPLE v. SWEAT (TODD**
DARCY)
Petition for review denied.

S155673 C052220 Third Appellate District
Petition for review denied.

W. (C.), IN RE

S155674 A110351 First Appellate District, Div. 2
Petition for review denied.

PEOPLE v. BROOKS (RONALD VIRGIL)

S155680 A115312 First Appellate District, Div. 3
Petition for review denied.

PEOPLE v. FORD (OMEGA RAY)

S155702 A115533 First Appellate District, Div. 5
Petition for review denied.

PEOPLE v. SMITH (MICHAEL)

S155704 E043750 Fourth Appellate District, Div. 2
Petition for review denied.

SANDERS (GREGORY) ON H.C.

S155712 E037955 Fourth Appellate District, Div. 2
Petitions for review denied.

PEOPLE v. VAN (TOAN QUOK)

S155714 H031760 Sixth Appellate District
Petition for review denied.

VIRAY (CARMELITA) ON H.C.

S155715 E040378 Fourth Appellate District, Div. 2
Petition for review denied.

PEOPLE v. CROSS (MATTHEW STEVEN)

S155718 F053460 Fifth Appellate District
Petition for review denied.

CAMARILLO, (JUAN CARLOS) ON H.C.

S155721 B191743 Second Appellate District, Div. 4

Petition for review denied.

**PEOPLE v. CALLENDER
(VINCENT ANTHONY)**

S155725 B200062 Second Appellate District, Div. 6

Petition for review denied.

ANDERSON (CARL) ON H.C.

S155733 B201127 Second Appellate District, Div. 1

Petition for review denied.

BENNETT (TOSSIE) ON H.C.

S155736 B193959 Second Appellate District, Div. 6

Petition for review denied.

PEOPLE v. PUTNEY (THOMAS)

S155748 A118367 First Appellate District, Div. 3

Petition for review denied.

DOMANTAY (JULIUS) ON H.C.

S155760 A116283 First Appellate District, Div. 2

(NATHAN)

Petition for review denied.

PEOPLE v. SEASTRUNK

S155761 A118421 First Appellate District, Div. 2

Petition for review and application for stay denied.

**KOEHLER (HENRY) v. S.C.
(PAPAZIAN)**

S155780 F047540/F04855 Fifth Appellate District

Petition for review denied.

Baxter and Chin, JJ., are recused and did not participate.

**STARRH & STARRH COTTON
GROWERS v. AERA ENERGY LLC**

S155781 F050101 Fifth Appellate District

Petition for review denied.

PEOPLE v. DIXON (LARRY)

S155783 H031877 Sixth Appellate District

Petition for review denied.

**TILLMAN (MYCHAEL
EDWARD) v. S.C. (PEOPLE)**

S155785 E043743 Fourth Appellate District, Div. 2

Petition for review denied.

**RODGERS (KENNETH SCOTT)
ON H.C.**

S155792 B201155 Second Appellate District, Div. 1

Petition for review denied.

LEWIS (VONDELL) ON H.C.

S155807 B201189 Second Appellate District, Div. 2

Petition for review denied.

LIEBB (STEPHEN) ON H.C.

S155831 F049457 Fifth Appellate District

Petition for review denied.

Kennard, J., is of the opinion the petition should be granted.

PEOPLE v. PAIZ, JR. (MICHAEL)

S155836 B193666 Second Appellate District, Div. 6

Petition for review denied.

G. (CHRISTIAN), IN RE

S155837 H029143 Sixth Appellate District

Petition for review denied.

PEOPLE v. VINSON (KERRY)

S155838 H031190 Sixth Appellate District

Petition for review denied.

VINSON (KERRY) ON H.C.

S155840 F048976 Fifth Appellate District

Petition for review denied.

PEOPLE v. RUIZ (TIMOTHY)

S155842 G036908 Fourth Appellate District, Div. 3

Petition for review denied.

PEOPLE v. GARCIA (SALVADOR LARA)

S155853 H029679 Sixth Appellate District

Petition for review denied.

OPPERWALL (STEPHEN G.) v. FINK (STEVEN M.)

S155857 F052139 Fifth Appellate District

Petition for review denied.

PEOPLE v. ALLEN (LASHAWNDA TRENELL O'BRIEN)

S155859 B190415 Second Appellate District, Div. 6

Petition for review denied.

PEOPLE v. DAVIS (WILLIAM RAY)

S155862 B192933 Second Appellate District, Div. 6
Petition for review denied.

PEOPLE v. ZICHKO (ROBERT)

S155866 A116702 First Appellate District, Div. 1

Petition for review denied.

WASHINGTON MUTUAL BANK v. W.C.A.B. (HELM)

S155875 C056404 Third Appellate District
Petition for review denied.

ARAFILES (JOHNNY) ON H.C.

S155886 B189489 Second Appellate District, Div. 1

Petition for review denied.

PEOPLE v. HARRELL (STEPHEN BERL)

S155908 B192862 Second Appellate District, Div. 5

Petition for review denied.

**SOCIETE CIVILE SUCCESSION
RICHARD GUINO v. REDSTAR
CORPORATION**

S155978 A113150 First Appellate District, Div. 2

Petition for review denied.
The request for an order directing publication of the opinion is denied.

**CALIFORNIA STATE PIPE
TRADES JOINT
APPRENTICESHIP COMMITTEE v.
CALIFORNIA APPRENTICESHIP
COUNCIL (PLUMBING,
HEATING & COOLING
CONTRACTORS OF THE
GREATER SACRAMENTO
AREA PLUMBERS
UNILATERAL APPRENTICESHIP
COMMITTEE)**

S155980 E041499 Fourth Appellate District, Div. 2
Petition for review denied.

PEOPLE v. PALMA (LEOBARDO)

S155994 E038366 Fourth Appellate District, Div. 2

Petitions for review denied.

**FONTANA REDEVELOPMENT
AGENCY v. TORRES
(JEANETTE) TEN NINETY LTD**

S156022 B188265 Second Appellate District, Div. 8

Petition for review denied.

**9901 ALAMEDA LLC v. SHAMA
LLC**

S156047 C052537 Third Appellate District

Petition for review denied.

**ROSE (PETE) v. HUDSON, JR.
(HARRY E.)**

S156059 D049111 Fourth Appellate District, Div. 1

Petition for review denied.

**TORRES (JOHN A.) v. CITY OF
SAN DIEGO (HERRING)**

S156073 A116597 First Appellate District, Div. 5

Petition for review denied.

**PEOPLE v. ROSENBALM
(VINCENT LEE)**

S156129 H027969 Sixth Appellate District

Petition for review denied.

**PEOPLE v. BJORN (LEE
THOMAS)**

S156136 H030190 Sixth Appellate District

Petitions for review denied

**PEOPLE v. RUIZ (MIGUEL
ANGEL)**

S156207 B188429 Second Appellate District, Div. 1

Petition for review denied.

**KOEFOED (CHRISTOPHER) v.
CAMEJO (SUZANNE)**

S156229 E043885 Fourth Appellate District, Div. 2

Petition for review and application for stay denied.

**NICOLAS (EPIFANIA VIOLA) v.
S.C. (PEOPLE)**

S156262 B200463 Second Appellate District, Div. 6

Petition for review denied.

**COUNTY OF, VENTURA v.
W.C.A.B. (PEREZ)**

S156294 A118761 First Appellate District, Div. 1

Petition for review denied.

AUSTIN (RODNEY) ON H.C.

S156318	D050402 Fourth Appellate District, Div. 1	PEOPLE v. BEIGHTOL (LARRY GENE)
Petition for review denied.		
S156319	C050093 Third Appellate District	PEOPLE v. JOHNSON (DAVID TURAN)
Petitions for review denied		
S156337	B201420 Second Appellate District, Div. 3	LOS ANGELES DODGERS LLC v. S.C. (HELENIUS)
Petition for review denied.		
S156341	A117434 First Appellate District, Div. 4	HEALTH NET, INC. v. W.C.A.B. (HANSEN)
Petition for review denied.		
S156344	B201738 Second Appellate District, Div. 7	ROBERTS (GREGORY DAVID) v. S.C. (WEISBERG)
Petition for review denied.		
S156347	E041492 Fourth Appellate District, Div. 2	PEOPLE v. WILLIAMS (JAMES DAVID)
Petition for review denied.		
S156350	G037528 Fourth Appellate District, Div. 3	PEOPLE v. LAINE (GARY CLIFFORD)
Petition for review denied.		
S156390	C056352 Third Appellate District	JOHNSON (BURL) v. S.C. (BRITT)
Petition for review denied.		

S156403 B190904 Second Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. CHHEANG
(SOPHEAP)**

S156407 F050314 Fifth Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Alford*, S142508.

**PEOPLE v. BUCKINGHAM
(ROBERT STEVEN)**

S156424 C056349 Third Appellate District

Petition for review denied.

**WANG (SHAO) v. W.C.A.B. (LAI
WAY RESTAURANT)**

S156425 C049666 Third Appellate District

Petition for review denied.

**PEOPLE v. GEAR (JEDISON
ORLANDO)**

S156437 F052063 Fifth Appellate District

Petition for review denied.

D. (EZRA), IN RE

S156445 A118865 First Appellate District, Div. 4

Petition for review denied.

**ALLEN (DAVID) v. S.C.
(PEOPLE)**

S156451 B201745 Second Appellate District, Div. 7

Petition for review denied.

ROUSE (HENRY) ON H.C.

S156457 B190755 Second Appellate District, Div. 4

Petition for review denied.

**PEOPLE v. GUAJACA (ROBERT
ANTHONY)**

S156459 B191185 Second Appellate District, Div. 5

Petition for review denied.

PEOPLE v. BRIM (DARNELL)

S156467 D049787 Fourth Appellate District, Div. 1
A.)
Petition for review denied.

PEOPLE v. GRAHAM (OMAR

S156469 E041708 Fourth Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. OWENS (DWAN
LAMONT)**

S156470 F052166 Fifth Appellate District
Petition for review denied.

B. (SERENITY) IN RE

S156477 F050488 Fifth Appellate District

Petition for review denied.

**PEOPLE v. ROBINSON (EDDIE
DEWAYNE)**

S156478 F050903 Fifth Appellate District

Petition for review denied.

**PEOPLE v. TOVAR (JUAN
OROZCO)**

S156482 B191732 Second Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. PARKER (RODNEY
GENE)**

S156484 B189482 Second Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. ROBERTS (ROBERT
JOHN)**

S156488 C053364 Third Appellate District

Petition for review denied.

**PEOPLE v. SHAY
(CHRISTOPHER JAMES)**

S156489 G037418 Fourth Appellate District, Div. 3

**PEOPLE v. GONZALEZ
(FREDDY)**

Petition for review denied.

S156493 B182474/B183965/B187082

Petition for review denied.

S156498 C054195 Third Appellate District

Petition for review denied.

S156502 A112467 First Appellate District, Div. 3

Petition for review denied.

S156503 E041475 Fourth Appellate District, Div. 2

Petition for review denied.

S156511 B195619 Second Appellate District, Div. 5

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Chavez*, S153920.

S156514 B193756 Second Appellate District, Div. 6

Petition for review denied.

S156525 E043973 Fourth Appellate District, Div. 2

Petition for review denied.

S156528

Petition for writ of mandate/prohibition denied.

Second Appellate District, Div. 2
**LONDON (NORMA JEAN) v.
BOSHES (RALPH W.)**

**PEOPLE v. WADDAMS
(DONOVAN RUSSELL)**

PEOPLE v. WIGHT (TIMOTHY)

**PEOPLE v. PATTERSON
(CHRISTIAN DERRICK
LEMONT)**

PEOPLE v. ROSS (ARTHUR J.)

PEOPLE v. GARCIA (JOSE LUIS)

**YANG (JEN KANG) v. W.C.A.B.
(UNION BANK)**

**LEGREE (BENJAMIN) v. S.C.
(PEOPLE)**

S156531 A114028 First Appellate District, Div. 2
Petition for review denied.

PEOPLE v. JOHNSON (GEORGE)

S156545 H030625 Sixth Appellate District
Petition for review denied.

PEOPLE v. RAMIREZ (FRANK)

S156559 C053077 Third Appellate District
Petition for review denied.

PEOPLE v. STANLEY (JOSEPH)

S156584 B193048 Second Appellate District, Div. 4
Petition for review denied.

PEOPLE v. NIEBLA (JOSE)

S156616 C052117 Third Appellate District

Petition for review denied.

**PEOPLE v. BROWN (KAREEM
SHAMAR)**

S156625 B181121 Second Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. ARZATE (MANUAL
ARMANDO)**

S156713 G035804/G036220/G036315/G037356

Petition for review denied.

Fourth Appellate District, Div. 3
**TEZAK (WILLIAM) v.
FELDSOTT & LEE (CARLBURG)**

S157170 A118983 First Appellate District, Div. 1

Petition for review and application for stay denied.

**BLOCK (WILL) v. S.C.
(VALENTINE)**

S157425 B202813 Second Appellate District, Div. 4

Petition for review and application for stay denied.

**BORSTEIN (NORMA EDWARDS)
ON H.C.**

SAN FRANCISCO

OCTOBER 24, 2007

2002

S145245

Petition for writ of habeas corpus denied.

S147839

Petition for writ of habeas corpus denied.

S151139

Petition for writ of habeas corpus denied.

S152047

Petition for writ of habeas corpus denied.

S152574

The petition for writ of habeas corpus is denied.

S152708

H.C.

Petition for writ of habeas corpus denied.

S152832

Petition for writ of habeas corpus denied.

S152900

Petition for writ of habeas corpus denied.

S152942

Petition for writ of habeas corpus denied.

**BOLIAN (WILLIE JAMES) ON
H.C.**

AGUILAR (DAN FELIX) ON H.C.

**GRANTHAM (TONY SCOTT)
ON H.C.**

**WILSON (RAY CHARLES) ON
H.C.**

ULREY(RON) ON H.C.

DUNCANTELL (ART L.) ON

H.C.

**RANDOLPH (JIMMY D.) ON
H.C.**

**MCGRUDER (CLARENCE E.)
ON H.C.**

**HERNANDEZ (ANGEL
MORALES) ON H.C.**

S153013

Petition for writ of habeas corpus denied.

MOORE (WINSTON) ON H.C.

S153242

Petition for writ of habeas corpus denied.

**HARDGRAVES (ROBERT
ANTHONY) ON H.C.**

S153276

Petition for writ of habeas corpus denied.

**RAMIREZ (ISAAC LOU) ON
H.C.**

S153307

Petition for writ of habeas corpus denied.

(See *In re Dexter* (1979) 25 Cal.3d 921; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**LEINWEBER (MIKHIEL) ON
H.C.**

S153310

Petition for writ of habeas corpus denied.

**FINNEY (SPENCER RAY) ON
H.C.**

S153312

Petition for writ of habeas corpus denied.

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**DELGADO (RAYMOND JESUS)
ON H.C.**

S153324

Petition for writ of habeas corpus denied.

MACK (TIMOTHY) ON H.C.

S153329

Petition for writ of habeas corpus denied.

(See *In re Dixon* (1953) 41 Cal.2d 756.)

COTTON (BYRON) ON H.C.

S153332

Petition for writ of habeas corpus denied.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

PHELPS (ARTHOR) ON H.C.

S153333

Petition for writ of habeas corpus denied.

DUNNIGAN (CARLOS) ON H.C.

S153335

Petition for writ of habeas corpus denied.

ALLEN (HERBERT O.) ON H.C.

S153337

Petition for writ of habeas corpus denied.
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

PALMER (WILL M.) ON H.C.

S153351

Petition for writ of habeas corpus denied.

SAUNDERS (JASON) ON H.C.

S153353

Petition for writ of habeas corpus denied.

WRIGHT (ERICK) ON H.C.

S153357

Petition for writ of habeas corpus denied.

YELENICH (SCOTT) ON H.C.

S153358

Petition for writ of habeas corpus denied.

**JUAREZ (FRANCISCO
GUILLERMO) ON H.C.**

S153363

Petition for writ of habeas corpus denied.

**LEYVA (RICHARD RENE) ON
H.C.**

S153367

Petition for writ of habeas corpus denied.

DYAS (KEVIN) ON H.C.

S153369

Petition for writ of habeas corpus denied.

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

CERVANTES (JOHN) ON H.C.

S153379

Petition for writ of habeas corpus denied.

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

VENEGAS (NATHAN) ON H.C.

S155290

Petition for writ of habeas corpus denied.

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**MEDRANO-HERNANDEZ
(JOSE R.) ON H.C.**

S155609

Petition for writ of habeas corpus denied.

GANNER (LARRY) ON H.C.

S156088

Petition for writ of habeas corpus denied.

**WOODS II (EARNEST C.) ON
H.C.**

S148687

C044770 Third Appellate District

**PEOPLE v. TACKETT (STEVEN
MICHAEL)**

Publication ordered (case closed)

On the request of the Court of Appeal, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Official Reports, with the exception of part III and IX. (See rules 8.1105(e); 8.1110, 8.1120, Cal Rules of Court.)

S152830 C052400 Third Appellate District

PEOPLE v. SCHNABEL (JON GARY)

Publication ordered (case closed)

On the request of the Court of Appeal, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Official Reports, with the exception of parts II and III.” (See Court Rule 8.304 and 8.308 that went into effect on July 1, 2007.

S151751 C051800 Third Appellate District

PEOPLE v. PEREZ (GABRIEL)

Publication request denied (case closed)

The request for an order directing publication of the opinion in the above-entitled appeal is denied in light of technical amendments to California Rules of Court.

S152432 C048139 Third Appellate District

PEOPLE v. ROSEN (DARRYL GEORGE)

Publication request denied (case closed)

S155340 D049294 Fourth Appellate District, Div. 1

FUREY (LESLIE) v. BLOCKBUSTER, INC.

Publication request denied (case closed)

S155493 B194775 Second Appellate District, Div. 7

THOMSON (TRAVIS) v. BEUCHEL (JOAN)

Publication request denied (case closed)

S155507 G030956 Fourth Appellate District, Div. 3

BENSON (JAMES) v. KWIKSET CORPORATION

Depublication request denied (case closed)

S155750 D048133 Fourth Appellate District, Div. 1

PEOPLE v. RANGER INSURANCE COMPANY

Publication request denied (case closed)

S155954 B191345/B191652/B191665

Second Appellate District, Div. 3
**LHO GRAFTON HOTEL LP v.
CITY COUNCIL OF THE CITY
OF WEST HOLLYWOOD
(SUNSET MILLENNIUM
ASSOCIATES LLC)**

Publication request denied (case closed)

S156050 F050809 Fifth Appellate District

**KERNCREST AUDUBON
SOCIETY v. CITY OF LOS
ANGELES, DEPT. OF WATER &
POWER (WIND TURBINE
PROMETHEUS LP)**

Publication request denied (case closed)

S027555

**PEOPLE v. PRIETO (ALFREDO
R.)**

Withdrawal of counsel allowed by order.

Good cause appearing, the application of appointed counsel for permission to withdraw as attorneys of record for condemned prisoner Alfredo R. Prieto, filed September 21, 2007, is granted. The order appointing Andrew E. Rubin and *Terrence V. Scott* as lead and associate counsel of record, respectively, for condemned prisoner Alfredo R. Prieto, filed January 12, 1996, is hereby vacated. The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Alfredo R. Prieto. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

S034072

**PEOPLE v. CURL (ROBERT
ZANE)**

Withdrawal of counsel allowed by order.

In conjunction with the order filed this day vacating the appointment of Kevin G. Little as habeas corpus/executive clemency counsel of record for appellant Robert Zane Curl in the above automatic appeal now pending in this court, this court retains jurisdiction to consider whether to order Little to reimburse this court for fixed fees previously paid but unearned, subject to Little's ability to demonstrate to the court that he should be credited, as appropriate, for habeas corpus "work performed that is determined by the court to be of value to the court." (See "Guidelines for Fixed Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in

the California Supreme Court,” guideline 11 [“Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel”], subpt. B.)

S034072

PEOPLE v. CURL (ROBERT ZANE)

Counsel appointment order filed.

On the court’s own motion, the order appointing Kevin G. Little as habeas corpus/executive clemency counsel of record for appellant Robert Zane Curl, filed August 8, 2002, is hereby vacated. Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, is hereby appointed to serve as interim habeas corpus/executive clemency counsel of record for appellant Robert Zane Curl. Little is hereby directed to deliver to Executive Director Millman, within 60 days from the filing of this order, all case transcripts, case files, habeas corpus investigation work product, trial files, investigation reports, 60-day status reports, and all related materials that he has obtained from appellant or from his appellate or trial counsel, paralegals, experts and investigators, or from any other source.

S058489

PEOPLE v. CAREY (DEWAYNE MICHAEL)

Order filed.

The “Emergency Application for Stay of Execution Date-Setting Hearing Calendared for October 26, 2007,” filed on October 16, 2007, is granted. Execution of the judgment of death entered against DeWayne Michael Carey by the Superior Court of Los Angeles County and affirmed by this court on May 31, 2007, (41 Cal.4th 109), is hereby stayed pending final determination of (1) the petition for certiorari pending in the United States Supreme Court (07-5687) and (2) the petition for writ of habeas corpus pending in this court (S157242).

S153974

LEONARD (ERIC ROYCE) ON H.C.

Order filed.

Petitioner’s “Application for an Order Allowing Counsel to Inspect and Copy Sealed and Confidential Transcripts in the Record on Appeal,” filed on August 16, 2007, is granted in part as follows. Petitioner’s application to inspect and copy sealed transcripts is granted with respect to the following sealed documents: probation report, dated June 13, 1996 [C.T. 1650-1695]; disability determination and transmittal of the Department of Health and Human Services, dated January 6, 1992; the volume of the C.T. captioned “987 Documents”; the sealed volume of the R.T. dated February 10, 1993; court exhibits 12-14; defense exhibits A, A-1, B, B-1; and the declaration of George L. Wilkinson, M.D. Petitioner’s application to inspect and copy R.T. 5016-5035, 6631-6641 is granted. Counsel must supply the personnel and equipment necessary to undertake the

examination and copying of the records, which must occur on the premises of the court. Petitioner's application to inspect and copy R.T. 10844-10850, 10998-11009 is granted, as modified. The Clerk of this court is directed to create printed copies of these transcripts from the sealed electronic version and transmit the printed copies to the parties. The Clerk of this court is also directed to provide copies of R.T. 993-995, 1003-1010, 1011-1032, 1039-1071, 1111-1142, 4056-4061, 9031-9047, 9050-9071, 9448-9449, 11658-11669, and 1S C.T. 1-7 [supplemental ruling on petitioner's motion to close competency hearing] to the parties. The Clerk of this court is directed to redact the confidential juror identifying information from R.T. 6613-6629, 10383-10399, and 1S C.T. 37-82 [juror declarations], 103-119 [court exhibits 21 and 21A] and provide the parties with copies of the redacted versions. Unless otherwise ordered by this court, the sealed documents referenced by this order are to remain under seal, and petitioner is ordered not to disclose their contents except in connection with the pending proceeding, *In re Eric Royce Leonard on Habeas Corpus* (S153974). To the extent the parties quote, disclose, or describe these materials in any court papers, those papers must be filed or lodged under seal. Petitioner's application to inspect and copy exhibits H, I, J, K, and L from the competency hearing held in the Superior Court of the County of Sacramento, court exhibit 18, as well as his jail psychiatric records, is denied without prejudice because this court's files do not contain these items. Petitioner may apply in the superior court for access to these exhibits. Petitioner's application to inspect and copy R.T. 4054, 4055, 6612, 11670 is denied as unnecessary because these pages were not filed under seal. Petitioner's application to inspect and copy the superior court's ruling on his competency motion is denied as unnecessary because that ruling was not filed under seal. (See R.T. 1796-1807; C.T. 496.) Petitioner's application to inspect and copy the juror declarations filed with his new trial motion is denied because the declarations were properly sealed below, and he received redacted copies of the declarations pursuant to this court's order of November 19, 2003. In all other aspects, the application is denied.

S153715**RIORDAN ON DISCIPLINE**

Petition/writ of review denied; recommended discipline imposed.

It is ordered that THOMAS LEROY RIORDAN, State Bar No. 104827, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on April 19, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

